

REMARKS

Claims 1-22 and 35-40 are pending in the present application. In this amendment, Applicants traverse all rejections and amend claims 49-52.

In the Office Action mailed July 9, 2004, the Examiner rejected claims 1-2, 6-7, 10-21, 35-36, 38-40, 49, and 51-52 under 35 U.S.C. §103(a) as being unpatentable over Sakoda (US Patent 6,519,292) in view of Mirfakhaei (US Patent 6,570,912). Claims 3-5, 22, 37, and 50 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sakoda and Mirfakhaei, and further in view of Jankiraman (IEEE PIMRC 2000). Claim 8 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Sakoda and Mirfakhaei, and further in view of Linz (US Patent 6,219,377). Finally, claims 9 and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sakoda and Mirfakhaei, and further in view of Kalanofos (IEEE 1998).

§103 (a) Rejections

Regarding claims 1-2, 6-7, 10-21, 35-36, 49, 51-52, Sakoda in combination with Mirfakhraei does not teach or recite all elements of Applicants' claims. Specifically, in Applicants' claims the power gain for the symbol stream is responsive to **a power control command of a particular multiple access power control scheme**. This feature is not recited in either Sakoda or in Sakoda combined with Mirfakhraei. The gain in Mirfakhraei is for transmission from a hybrid modem or a transceiver to a host computer, not a power gain responsive to power control for a multiple access communications system as in Applicants' claims. Furthermore, there is no motivation to combine Sakoda with Mirfakhraei. Mirfakhraei teaches a receiver architecture for transforming time domain signals to the frequency domain. Combining elements of a receiver architecture with the transmitter architecture in Sakoda would leave both Sakoda and Mirfakhraei inoperable. Because no *prima facie* case of obviousness has been made, claims 1-2, 6-7, 10-21, 35-36, 49, and 51-52 are allowable.

Claims 3-5, 22, 37, and 50 are also allowable because Sakoda and Mirfakhraei are not combinable and do not teach all of the purported claim elements as mentioned above.

Furthermore, Jankiraman does not teach a cover code, but rather a PN code that controls the step of the frequency synthesizer for a frequency hop spread spectrum signal. This use of a PN code is distinct from the cover code in Applicants' claims which is directly applied to the time domain symbols. Therefore, there is no *prima facie* case of obviousness for claims 3-5, 22, and 37 based on this combination of references.

Claim 8 is also allowable because Sakoda and Mirfakhraei do not teach all claim elements in combination with Linz as is clear from the discussion of Sakoda and Mirfakhraei above.

Claims 9 and 13 are allowable because Sakoda and Mirfakhraei do not teach all claim elements in combination with Kalafonos as is also clear from the discussion of Sakoda and Mirfakhraei above.

Claim Amendments

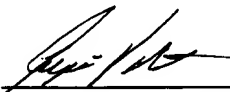
Applicants amend claims 49-52 in order to add the feature that the gain is responsive to "a power control command of a particular multiple access power control scheme." This claim is amply supported in Applicant's specification as originally filed.

REQUEST FOR ALLOWANCE

In view of the foregoing, Applicants submit that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

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